

## **EXHIBIT D**



Serge F. Petroff  
Steven Amshen\*  
Christopher Villanti  
David R. Smith  
James Tierney  
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May 16, 2019

**RAS Boriskin, LLC**

Attn: Raquel Felix, Esq.  
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Westbury, NY 11590  
*Via e-mail rfelix@rasboriskin.com*

**Case Name:** Marlene Y Colmer  
**Case No.:** 1-19-40645-cec  
**Property Address:** 3 Oceanview Avenue, Staten Island, NY 10312  
**Loan No.:** 7091397484

Dear Ms. Felix,

This office represents the Debtor, Marlene Y Colmer, in connection with the above-referenced Chapter 13 bankruptcy.

On or about April 8, 2019, this office was served with the loan modification denial letter issued by your client. According to the letter, the borrower was denied for a streamline modification due to the fact that the lowest modification payment your client can provide would have exceeded the current mortgage payment by more than 25%, which, according to the letter, is not allowed based on your client's **own** modification guidelines. On April 18<sup>th</sup> and April 23<sup>rd</sup> your client supplemented its denial letter by providing additional denial clarifications, based on which the projected modified monthly mortgage payment (\$2,337.11) would have been about 35% higher than the current one (\$1,721.85).

The borrower is hereby formally appealing said denial and respectfully requesting your client to waive the "25% restriction" set by its guidelines. Based on the borrower's monthly gross income of \$9,031.00, a payment of \$2,337.11 is clearly affordable for the borrower and results into only 26% debt-to-income ratio, which is well within the affordability limits applicable to the loan. Ms. Colmer believes that waiver of the aforementioned restriction would be beneficial for both the borrower and your client as it would allow the borrower to save her home and your client to have a performing loan while having its interest fully secured by the property.

Please forward this appeal to your client for review. Should your client need additional documentation or information, do not hesitate to contact the undersigned.

Sincerely,

*/s/ Steven Amshen*  
Steven Amshen, Esq.

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